

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 10, Dayton VA Medical Center Engineering Service (138)
2. **Nature and/or Description of the Action Being Processed:** The construction specifications require the contractor to use metal panels coated with Kynar 500 resin, for the Site Prep for CT Scanner project no. 552-CSI-333 with an estimated construction cost of \$5,400.00. The cost of the metal panels with the Kynar 500 resin coating is estimated at \$5,400.00.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** As part of the project architectural metal products require the application of Kynar 500 resin for panel finishes to be installed. This type of coating system is an industry process typical of most suppliers of the architectural metal panels.
4. **Statutory Authority Permitting Other than Full and Open Competition:** 41 USC §253(c)(1), as implemented by FAR 6.302-1. The specific paragraph must be cited. Most likely, only the -1 or -2 authorities will be cited. Please be aware that failure to adequately plan for future requirements does not constitute appropriate use of the unusual and compelling urgency statutory authority.
 - (X) (1) Only One Responsible Source and No Other Supplies or Services Will Satisfy Agency Requirements per FAR 6.302-1;
 - () (2) Unusual and Compelling Urgency per FAR 6.302-2;
 - () (3) Industrial Mobilization, Engineering, Developmental or Research Capability or Expert Services per FAR 6.302-3;
 - () (4) International Agreement per FAR 6.302-4
 - () (5) Authorized or Required by Statute FAR 6.302-5;
 - () (6) National Security per FAR 6.302-6;
 - () (7) Public Interest per FAR 6.302-7;
5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**
 - The Kynar 500 resin coating is required for the architectural metal panels in order to meet the needs of the VAMC during the construction of a new Building 335 to house a CT Scanner.
6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:** The architectural and engineer contacted five (5) suppliers of the metal panels. The suppliers indicated the Kynar 500 coating is applied to the panels as

part of the industry standard for resin coating of architectural metal panels. There are multiple sources for these panels and each source indicated the standard application of the Kynar 500 resin coating as part of an industry standard.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:** The procurement of the Kynar 500 resin coated architectural metal panels will be part of an overall construction project. The Contracting Officer will make and a fair reasonable price determination for the project which will include the various components of the project.
8. **Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:** Market research has been conducted indicating the application of the Kynar 500 resin coating is an industry standard and a common practice of manufacturers throughout the architectural metal panel supply industry. There is reasonable expectation the awarded contractor will obtain competition in procuring the required treated panels. There are at least 2 suppliers of the Kynar 500 resin coated metal panels in the tri-state area.
9. **Any Other Facts Supporting the Use of Other than Full and Open Competition:** NA
10. **Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:** NA
11. **A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:** No action can be taken in the circumstance due to the equipment being under warranty and the need to maintain this warranty.
12. **Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

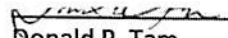
Name: Mark Permelia
Title: Chief, Projects and Environmental Section
Facility: Dayton VA Medical Center (552)

4/9/13

Date

13. Approvals in accordance with FAR 6.304

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.



Donald P. Tam
Contracting Officer
NCO 10/Dayton

4-9-13
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

Terry Spitzmiller
Network Contract Manager
VISN/PCA X

4-10-13
Date